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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,108	10/26/2000	Hensen Mou	NEV1P002	7339
22434	7590	08/15/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			NGUYEN, BRIAN D	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			2661	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,108

Applicant(s)

MOU, HENSEN

Examiner

Brian D. Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-78 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Note: The term: “adapted for” is not positively recited limitation. Therefore, the limitations followed this term is not considered the claimed limitations. If the applicant would like to claim the limitations; it is suggested that the applicant delete this term from the claims.

Specification

2. The applicant is requested to fill in the blank on page 1 of the specification.

Claim Objections

3. Claims 9, 28, 33-34, and 47-50 are objected to because of the following informalities:

Claim 9, line 4, “performing the sending and receiving steps” seems to refer back to the steps of “sending the control command” and “receiving a modified audio visual data flow” in claim 8. If this is true, it is suggested to change “performing the sending and receiving steps” to --performing the sending a control command and the receiving a modified audio visual data flow--.

Claim 28, line 4, “performing the sending and receiving steps” seems to refer back to the steps of “sending the control command” and “receiving a modified audio visual data flow” in claim 27. If this is true, it is suggested to change “performing the sending and receiving steps” to --performing the sending a control command and the receiving a modified audio visual data flow--.

Claim 33, line 2, “a memory” seems to refer back to “a memory” in line 5 of claim 32. If this is true, it is suggested to delete “further comprising: a memory associated with the local server;” .

Art Unit: 2661

Claim 47, line 6, it is suggested to change "a local server" to --the local server--.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 48 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 48 is vague and indefinite because the instructions described in claim 47 are performed at the local server while the instruction described in claim 48 is performed at the central server.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al (6,514,083).

Regarding claims 1 and 51-53, Kumar discloses in a first network (internet) including a local server (116) coupled to a central server (122), the local server being coupled to a plurality of network devices (10) via a second network (local network), a method of interactively controlling from one of the plurality of network devices a flow of audio visual data from the central server to the network device, the method comprising: obtaining a control command at the network device, the control command indicating a desired modification to the flow of the audio visual data from the central server to the network device; sending the control command (request) from the network device to the local server via the second network, and sending the control command from the local server to the central server via the first network; and receiving a modified flow of the audio visual data from the central server at the network device in response to the control command (see figure 5 and col. 2, line 63-col. 3, line 16).

Regarding claims 2-7 and 55-57, Kumar discloses in a first network (internet) including a local server (116) coupled to a central server (122), the local server being coupled to a plurality of network devices (10) via a second network (LAN), a method of interactively controlling from one of the plurality of network devices a flow of audio visual data from the central server to the network device, the method comprising: obtaining a control command (request) at the network device, the control command indicating a desired modification to the flow of the audio visual data from the central server to the network device; sending the control command from the network device to the local server via the second network, sending the control command from the local server to the central server via the first network; and modifying the flow of the audio visual data from the central server to the network device in response to the control command, wherein modifying the flow of the audio visual data from the central server to the network device

Art Unit: 2661

in response to the control command comprises: modifying the flow of the audio visual data from the central server via the first network to the local server; and when modifying the flow of the audio visual data from the central server to the local server includes sending a compressed audio visual data stream to the local server, sending the compressed audio visual data stream from the local server to the network device via the second network (see figure 5 and col. 2, line 63-col. 3, line 16).

Regarding claims 8-23, 59-61, and 63-65, claims 8-23, 59-61, and 63-65 are rejected for the same reasons as claims 2-7 and 55-57. Note that the memories at the local server and central server both contain a plurality of files and the speed at the first and/or second network can be the same or different.

Regarding claims 24-25, 27-31, 37-40, and 67-69, claims 24-25, 27-31, 37-40, and 67-69 claim a local server that described in claims 2-7 and 55-57. Therefore, they are subject to the same rejection.

Regarding claim 26, claim 26 claims a central server that is described in claims 2-7. Therefore, it is subject to the same rejection.

Regarding claims 32-36 and 71-73, Claims 32-36 and 71-73 are system claims that have substantially the same limitations as method claims 2-7 and 55-57. Therefore, they are subject to the same rejection.

Regarding claim 41, claim 41 claims a network device that is described in claims 2-7. Therefore, it is subject to the same rejection.

Art Unit: 2661

Regarding claims 42-50, claims 42-50 claim a computer readable medium that have substantially the same limitations as the respective method claims 2-5. Therefore, they are subject to the same rejection.

Regarding claims 54, 58, 62, 66, 70, and 74, Kumar discloses the network device is a set-top box (see 242 in figure 12).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 75-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar in view of Miller et al (5,930,247).

Regarding claims 75-78, Kumar does not specifically disclose the second network is a wireless local area network. However, wireless local area network is well known in the art. Miller discloses the use of WLAN (see col. 4, lines 20-23). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use WLAN as taught by Miller in the system of Kumar in order to improve system mobility.

Response to Arguments

10. Applicant's arguments with respect to claims 1-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

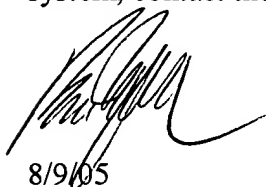
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



8/9/05

BRIAN NGUYEN
PRIMARY EXAMINER